

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUDOLPH GEORGE STANKO,

Defendant.

8:05CR93

ORDER

This matter is before the court on the government's motion pursuant to Fed. R. Crim. P. 17(c)(2) to quash the subpoena served upon Jamian Simmons for testimony at the hearing on defendant's supervised release scheduled for August 21, 2013. Filing No. 566. The government contends that Ms. Simmons served as the prosecutor in one of the cases at issue in defendant's supervised release hearing. The government argues that the facts supporting the allegations in the upcoming supervised release hearing have nothing to do with Sheridan County, and in particular Deputy County Attorney Simmons. Thus, there is nothing of relevance in this testimony.

The court has carefully reviewed the record and agrees with the government. This evidence is not relevant to the charges that will be considered at the August 21, 2013, hearing. Additionally, the court would be unlikely to call a prosecutor to testify, absent a compelling reason. Accordingly, the court will grant the motion to quash.

THEREFORE, IT IS ORDERED that the government's motion to quash the subpoena issued on Deputy County Attorney Jamian Simmons, Filing No. 566, is granted.

Dated this 16th day of August, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge